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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/970,679 | 10/05/2001 | Bernard Gelloz | Q66527 | 1846 |

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SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
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| EXAMINER | |
|---|---|
| MAYO III, WILLIAM H | |
| **ART UNIT** | **PAPER NUMBER** |
| 2831 | 7 |

DATE MAILED: 12/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

[redacted]

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/970,679 | GELLOZ ET AL. | |
| | Examiner | Art Unit | |
| | William H. Mayo III | 2831 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) 1-11 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-11 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in present Application No. 09/970,679, filed on October 05, 2001.

### *Information Disclosure Statement*

2. The information disclosure statement filed November 14, 2001 has been submitted for consideration by the Office. It has been placed in the application file and the information referred to therein has been considered.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

**Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.
(b) CROSS-REFERENCE TO RELATED APPLICATIONS.
(c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
(d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or

REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)

(e) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(f) BRIEF SUMMARY OF THE INVENTION.

(g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(h) DETAILED DESCRIPTION OF THE INVENTION.

(i) CLAIM OR CLAIMS (commencing on a separate sheet).

(j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

3. The disclosure is objected to because of the following informalities: The specification doesn't contain the proper headings as disclosed above. The applicant should insert the proper headings in the specification.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guillen et al (EP Pat Num 1,225,672, herein referred to as Guillen) in view of Applicant Own Admission (herein referred to as AOA) and Floessel et al (Pat Num 3,916,081). Guillen discloses a gas insulated phase line (Figs 1-4) having a device for controlling internal arcing in a connection module (abstract). Specifically, Guillen discloses (as shown in the translation of 2002-233043 of which Guillen is the parent case) a gas insulated line (Fig 1) made up of sections (1 & 1') wherein each section (1 & 1') is formed by metal cladding (4, see cross hatching that indicates metal) filled with dielectric gas under pressure (see highlights on Page 16) and containing at least one conductor (3), wherein the two adjacent sections (1 & 1') are connected together by a connection module (2') whose metal cladding (6 & 7) is locally made up of a plurality of tubular portions (6 & 7), that are each filled up with dielectric gas (see highlights on Page 16) and has a conductor (3) passing through the tubular portions (6 & 7) constituting a passive electrical connection (Figs 1-2). With respect to claim 2, Guillen discloses that the connection module (2') is open at both ends so that the volumes of the sections (1 & 1') communicate with each other (Fig 2, see highlights on page 18). With respect to claim 4, Guillen discloses that the connection module (2') has a metal

cladding (6 & 7) made up of a first dish-shaped end cap (9) and of a second dish shaped end cap (10), wherein the caps (9 & 10) are provided with orifices of apertures (where the conductor 3 passes through) determined to enable the conductor (3) to pass through them with sufficient isolation distance from the cladding (6 & 7), and wherein each tubular portion (6 & 7) of the connection module (2') is formed of a link tube (7a & 7b) surrounding the orifice in the first end cap (9) and the orifice of the second end cap (10), through which the conductor (3) passes (see highlights on page 17). With respect to claim 5, Guillen discloses that the connection module (2') is extended by the link tubes (7a & 7b) thereby forming an integrally molded single piece therewith (Pages 16 & 17, line 18-23 & 1-3 respectively). With respect to claim 6, Guillen discloses that the tubular portions (6 & 7) are mutually parallel (Fig 2). With respect to claim 8, Guillen discloses that each of the tubular portions are surrounded by gas (i.e. air, see highlights on page 16). With respect to claim 10, Guillen discloses that the connection module (2') may have sensors disposed in the air in the vicinity of the tubular portions (6 & 7, see highlights on Page 11).

However, Guillen doesn't necessarily disclose the conductor being a multi-phase conductor (claim 1), nor the winding of secondary of the current transformer disposed in the air (claim 9), nor the method in which the winding is first put in place around a tubular portion before the two end caps are assembled (claim 11).

AOA teaches that gas insulated lines commonly comprise mulit-phase conductors (see Page 1, lines 1-26 of Applicant's specification). Specifically, with respect to claim 1, 9, and 11, AOA teaches that gas insulated lines commonly comprise

multi-phase conductors made up of sections having orifices at sufficient distances for each other and having windings that form secondary of the transformer being disposed around phase conductors which are disclosed in tubular metal claddings filled with gas under pressure , wherein the winding is put in place around the tubular portion (Page 1, lines 5-15 of specification).

With respect to claims 1, 9, and 11, It would have been obvious to one having ordinary skill in the art of cables at the time the invention was made to modify the gas insulated line of Guillen to comprise the multi-conductor configuration as taught by AOA because AOA teaches that such a configuration is commonly utilized as a gas insulated line (see Page 1, lines 5-26 of specification).

Modified Guillen also doesn't necessarily disclose the conductor being a multi-phase conductor disposed in a triangular configuration (claim 1), nor the three tubular portions being disposed in an equilaterial triangle (claim 7)

Floessel teaches a multi-phase lines (Figs 2-3) comprising three conductors (3R, 3S, 3T. Specifically, with respect to claims 1 & 7, Floessel teaches that the three conductors (3R, 3S, 3T) are disposed in three tubes (Figs 2a-2b) spaced from each other by springs (2) that are spaced from each other by 120° (Col 2, lines 20-30), thereby forming a equilateral triangle.

With respect to claims 1 & 7, it would have been obvious to one having ordinary skill in the art of cables at the time the invention was made to modify the three conductors of modified Guillen to comprise the conductors being spaced from each other by 120° as taught by Floessel, since it has been held that a change in form cannot

sustain patentability where involved is only extended application of obvious attributes from a prior art. *In re Span-Deck Inc. vs. Fab-Con Inc. (CA 8, 1982) 215 USPQ 835.*

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. They are Thurles (Pat Num 5,089,665), Fox et al (Pat Num 3,864,507), Floessel (Pat Num 3,786,170), Classon et al (Pat Num 5,558,524), Tahilliani et al (Pat Num 3,927,246), Meinherz et al (Pat Num 6,087,590), Cumley (Pat Num 6,281,431), all of which disclose gas insulated cables.

***Communication***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Mayo III whose telephone number is (703) 306-9061. The examiner can normally be reached on M-F 8:30am-6:00 pm (alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (703) 308-3682. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3432 for regular communications and (703) 305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

WHM III
December 14, 2002